

**CALENDAR ITEM
C65**

A 33
S 16

06/29/15
PRC 9122.9
R. Collins

AMENDMENT OF LEASE

LESSEE:

Rio Buena Vista Homeowners' Association

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Colorado River, adjacent to Lots 37, 38, and a portion of 39, Tract No. 15640, Amended Map Book 261, Pages 88-94, city of Needles, San Bernardino County.

AUTHORIZED USE:

Use and maintenance of an existing concrete stairway with railing and riprap bankline.

LEASE TERM:

10 years, beginning February 21, 2014.

CONSIDERATION:

The public use and benefit, with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interests.

PROPOSED AMENDMENT:

Replace Exhibit A, Land Description, and Exhibit B, Site and Location Map, with the attached Exhibit A, Land Description, and Exhibit B, Site and Location Map (for reference purposes only). All other terms and conditions of the lease shall remain in effect without amendment.

OTHER PERTINENT INFORMATION:

1. Applicant owns one of the upland parcels and has the right to use the other two upland parcels adjoining the lease premises.
2. On February 21, 2014, the Commission authorized a 10-year General Lease – Recreational and Protective Structure Use to the Rio Buena Vista Homeowners' Association, beginning February 21, 2014, for the use and maintenance of an existing concrete stairway with railing and riprap bankline.

CALENDAR ITEM NO. **C65** (CONT'D)

3. Staff recently became aware of Lot Line Adjustment No. 2007-01, recorded on June 6, 2007, in San Bernardino County that conveyed the southeasterly 15 feet of Lot 39 to Lot 40. This Lot Line Adjustment impacted the lease area requiring a change to the land description and the proposed amendment.
4. Staff recommends the Commission amend the lease to replace Exhibit A, Land Description, and Exhibit B, Site and Location Map, with the attached Exhibit A, Land Description, and Exhibit B, Site and Location Map (for reference purposes only).
5. The staff recommends that the Commission find that the subject lease amendment does not have a potential for resulting in either a direct or a reasonably foreseeable indirect physical change in the environment, and are, therefore not projects in accordance with the California Environmental Quality Act (CEQA).

Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, sections 15060, subdivision (c)(3), and 15378.

EXHIBITS:

- A. Land Description
- B. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the subject lease amendment is not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060, subdivision (c)(3), because the subject activity is not a project as defined by Public Resources Code section 21065 and California Code of Regulations, Title 14, sections 15060, subdivision (c)(3), and 15378.

AUTHORIZATION:

Authorize the amendment of Lease No. PRC 9122.9, a General Lease – Recreational and Protective Structure Use, effective June 29, 2015, to replace Exhibit A, Land Description, and Exhibit B, Site and Location Map, with the new Exhibit A, Land Description, and Exhibit B, Site and Location Map (for reference purposes only), attached and by this reference made a part hereof; all other terms and conditions of the lease will remain in effect without amendment.

EXHIBIT A

PRC 9122.9

LAND DESCRIPTION

A parcel of State owned land adjacent to Lots 37, 38 and 39 of Tract No. 15640 as shown on Tract Map recorded in Book 261, Pages 88 through 94, inclusive of Maps, in the Office of the County Recorder of San Bernardino County, State of California, described as follows:

BEGINNING at the easterly corner of adjusted Lot 39 as shown in Exhibit "A" of Lot Line Adjustment No. 2007-01 recorded on June 6, 2007, in Document Number 2007-0340597, Official Records of said County; thence northwesterly along the northeasterly lines of Lots 39, 38 and 37, said lines also being the Agreed Boundary Line as described in Exhibit A of Document Number 92-333250, recorded on August 11, 1992, Official Records of said County, N 46° 00' 00" W 95.06 feet; thence N 82° 35' 14" W 8.57 feet; thence N 49° 46' 05" W 18.80 feet to the northerly corner of said Lot 37; thence leaving said northeasterly line and said Agreed Boundary Line, along the northeasterly prolongation of the northwesterly line of said Lot 37 N 47° 51' 55" E 70.00 feet; thence S 44° 15' 58" E 120.08 feet to the intersection with the northeasterly prolongation of the southeasterly line of adjusted Lot 39; thence southwesterly along said northeasterly prolongation S 47° 51' 55" W 60.00 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM any portion lying waterward of the toe of revetment adjacent to said Lots 37, 38 and 39.

END OF DESCRIPTION

Prepared 02/23/15 by the California State Lands Commission Boundary Unit



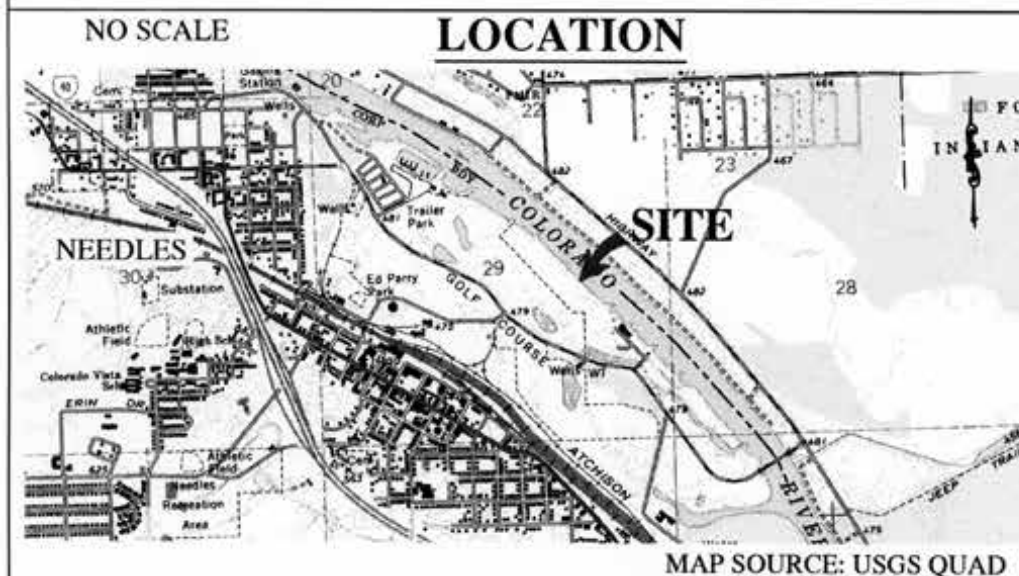
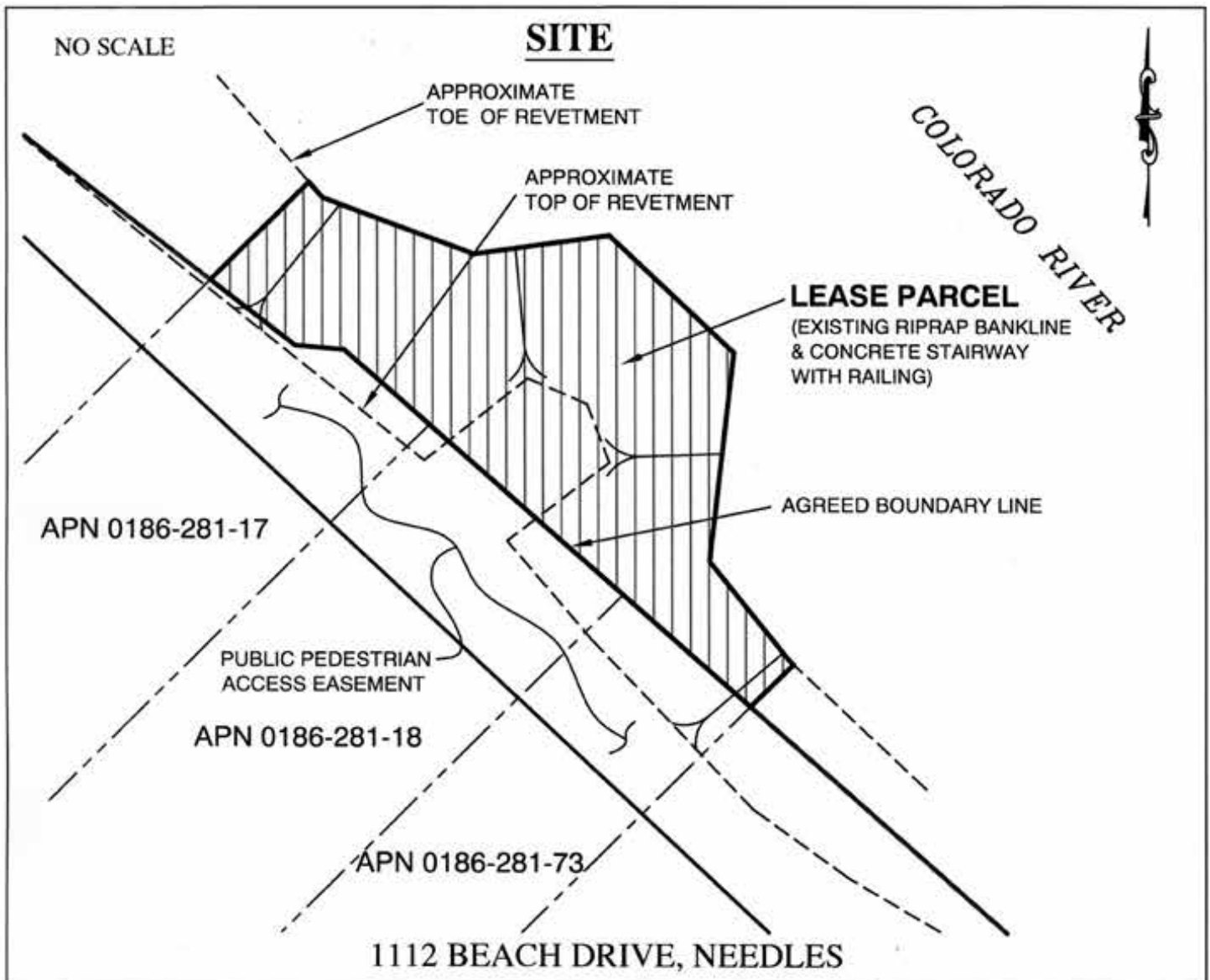


Exhibit B

PRC 9122.9

RIO BUENA VISTA HOA

APNs 0186-281-17, 18 & 73

GENERAL LEASE -

RECREATIONAL AND

PROTECTIVE STRUCTURE USE

SAN BERNARDINO COUNTY



This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.